

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ANDRE LEVESQUE

Plaintiff,

-v.-

Civil Action No.  
8:14-cv-298 (GLS/CFH)

WILLIAM DOMINY

Defendant.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

ANDRE LEVESQUE

*Pro Se*

Apt. Bulv149

35A Smithfield Blvd

Plattsburgh, New York 12901-2111

GARY L. SHARPE,  
CHIEF JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Christian F. Hummel, duly filed March 21, 2014. Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

**ORDERED** that the Report-Recommendation of Magistrate Judge Christian F. Hummel filed March 21, 2014 (Dkt. No. 3) is ADOPTED IN PART as follows; and it is further

**ORDERED** that, if plaintiff wishes to proceed with this action, he must file an amended complaint, which complies the terms of the Report-Recommendation and Order, **within thirty (30) days** from the filing date of this Order; and it is further

**ORDERED** that, upon the filing of an amended complaint, the Clerk shall return the file to the Court for further review; and it is further

**ORDERED** that should plaintiff fail to comply with the terms of this Order, within the time period specified above, this action shall be **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B) and 28 U.S.C. § 1915A(b) for failure to comply with the pleading standards and to state a claim upon which relief may be granted, and/or as frivolous ; and it is further

**ORDERED**, that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: April 24, 2014  
Albany, New York

  
Gary L. Sharpe  
Chief Judge  
U.S. District Court